

UNITED STATES OF AMERICA

v.

ROBERT MARTINEZ, JASON REYES,
and JEFFREY CAAMANO,

Defendants.

Case No. 19-CR-02 (RML)

Brooklyn, New York

March 9, 2020

APPEARANCES:

For Defendant Reyes: GERALD DiCHIARA, ESQ.
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For Defendant Caamano:

GARY S. VILLANUEVA, ESQ.
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1 (Proceedings commenced at 11:43 a.m.)

2 THE CLERK: Criminal cause for a pleading, Case No.
3 19-CR-2, United States v. Robert Martinez. And today, we're
4 seeing defendant -- defendants Robert Martinez, Jason Reyes,
5 and Jeffrey Caamano.

6 If counsel could all please state their
7 appearances?

8 MR. LAZZARO: Lance Lazzaro for Robert Martinez.

9 MR. DiCHIARA: Gerald DiChiara for Jason Reyes.

10 THE COURT: Good morning.

11 MR. VILLANUEVA: Gary Villanueva for Jeffrey
12 Caamano. Good morning, Your Honor.

13 THE COURT: Good morning. Gentlemen, could you --

14 MS. SASSO: Jennifer Sasso for the United States.
15 Good morning, Your Honor.

16 THE COURT: Yes. Gentlemen, could you say your
17 name for the record?

18 DEFENDANT MARTINEZ: Robert Martinez.

19 DEFENDANT CAAMANO: Jeffrey Caamano.

20 DEFENDANT REYES: Jason Reyes.

21 THE COURT: All right. Thank you.

22 THE CLERK: And then we'll -- we'll swear in each
23 of the defendants. I guess we'll start with Mr. Martinez.
24 Can you please raise your right hand?

25 (Defendant Martinez is sworn.)

1 THE CLERK: Thank you. And can you also state your
2 name one more time for the record?

3 DEFENDANT MARTINEZ: Robert Martinez.

4 THE CLERK: Thank you.

5 So then we'll do Mr. Caamano next. Raise your
6 right hand.

7 (Defendant Caamano is sworn.)

8 THE CLERK: Thank you. And state your name one
9 more time for the record.

10 DEFENDANT CAAMANO: Jeffrey Caamano.

11 THE CLERK: Thank you.

12 And then Mr. Reyes. Raise your right hand.

13 (Defendant Reyes is sworn.)

14 THE CLERK: Thank you. And your name one more time
15 for the record.

16 DEFENDANT REYES: Jason Reyes.

17 THE CLERK: Thank you so much.

18 THE COURT: All right. So, I think we should go in
19 the order, starting with my left with Mr. DiChiara and then
20 Mr. Villanueva, and then Lazzaro, with each of your clients.

21 And so, I'll ask a question. The questions will be
22 the same for each one of you up to a certain point, and then
23 we'll individualize.

24 So the first set of questions I have has to do with
25 the consent to have your plea taken before a magistrate

1 judge. And as the form says, and the form that you've each
2 signed says that you understand that you have a right to have
3 your plea heard by a district judge. That would be Judge
4 Korman, who is the judge who will read this transcript,
5 decide whether to accept your plea, and will sentence you.

6 If you prefer to have Judge Korman hear the plea,
7 I'm sure he'd be happy to do it and he wouldn't hold that
8 against you, but I understand that you're here today because
9 you'd like to have me hear the plea and make a recommendation
10 to Judge Korman.

11 So why don't we start? Each of you just say your
12 name and say whether you understand what I just said.

13 DEFENDANT REYES: Jason Reyes. Yes, I understand,
14 sir.

15 THE COURT: And are you making this decision
16 voluntarily?

17 DEFENDANT REYES: Yes, sir.

18 THE COURT: Do you have any questions about what
19 you're doing?

20 DEFENDANT REYES: No.

21 THE COURT: Okay. Sir?

22 DEFENDANT CAAMANO: Jeffrey Caamano, and I
23 understand everything, Your Honor.

24 THE COURT: Okay. And are you making this decision
25 voluntarily?

1 DEFENDANT CAAMANO: Yes, Your Honor.

2 THE COURT: And do you have any questions?

3 DEFENDANT CAAMANO: No, Your Honor.

4 THE COURT: And finally, Mr. Martinez?

5 DEFENDANT MARTINEZ: Robert Martinez. I
6 understand, Your Honor.

7 THE COURT: Okay. Are you making this decision
8 voluntarily?

9 DEFENDANT MARTINEZ: Yes, Your Honor.

10 THE COURT: And do you have any questions about
11 what you're doing?

12 DEFENDANT MARTINEZ: No, Your Honor.

13 THE COURT: All right. So you're all under oath,
14 and that means that you'll be answering a number of questions
15 that I have. Under oath, you have to be honest and truthful,
16 and your answers have to be complete. If you make any false
17 statements, you could be prosecuted for perjury.

18 Do you each understand?

19 DEFENDANT REYES: Yes.

20 THE COURT: Just say your name first.

21 DEFENDANT REYES: Jason Reyes. Yes.

22 THE COURT: Mr. Caamano.

23 DEFENDANT CAAMANO: Jeffrey Caamano. Yes, Your
24 Honor.

25 DEFENDANT MARTINEZ: Robert Martinez. Yes, Your

1 Honor.

2 THE COURT: So the first part of this proceeding
3 will be to make sure that -- that you understand all of your
4 rights. And so it's for your benefit and it's for the
5 Court's benefit as well.

6 So why don't we start with -- how old are you, sir?

7 DEFENDANT REYES: I'm 36 years of age, sir.

8 THE COURT: And just say your name once again.

9 DEFENDANT REYES: Jason Reyes.

10 THE COURT: Okay. And, Mr. Caamano?

11 DEFENDANT CAAMANO: Jeffrey Caamano. Thirty-one
12 years old.

13 THE COURT: And Mr. Martinez?

14 DEFENDANT MARTINEZ: Robert Martinez. I'm 35 years
15 old.

16 THE COURT: Mr. Reyes, what's the last level of
17 schooling that you completed?

18 DEFENDANT REYES: GED and I got a combination
19 welding/technology degree from APEX.

20 THE COURT: Okay. And, Mr. Caamano?

21 DEFENDANT CAAMANO: A GED.

22 THE COURT: Okay. And, Mr. Martinez?

23 DEFENDANT MARTINEZ: Robert Martinez. GED and one
24 semester of New York City type marketing.

25 THE COURT: Okay. Are you now or have you recently

1 been under the care of a doctor or a psychiatrist?

2 Mr. Reyes?

3 DEFENDANT REYES: No.

4 THE COURT: Mr. Caamano?

5 DEFENDANT CAAMANO: Yes, Your Honor.

6 THE COURT: Could you be specific? When did you
7 last see a doctor?

8 DEFENDANT CAAMANO: They gave me -- they assigned
9 me weekly therapy sessions and I see a psychiatrist once a
10 month.

11 THE COURT: Okay.

12 DEFENDANT CAAMANO: Dr. Armine, Your Honor.

13 THE COURT: All right. And let me ask you a few
14 more questions. In the past 24 hours, have you taken any
15 medicine or pills of any kind?

16 DEFENDANT CAAMANO: Yes, Your Honor.

17 THE COURT: And can you put on the record what they
18 are?

19 DEFENDANT CAAMANO: Remeron. It's for sleep.

20 THE COURT: Okay. Does that affect your ability to
21 think or to concentrate or to understand?

22 DEFENDANT CAAMANO: No, Your Honor.

23 THE COURT: Do you feel any side effects from the
24 medication at this point?

25 DEFENDANT CAAMANO: No, Your Honor.

1 THE COURT: All right. Does it help you in -- to
2 concentrate and think and pay attention?

3 DEFENDANT CAAMANO: No, Your Honor.

4 THE COURT: It's only for sleep?

5 DEFENDANT CAAMANO: Yes.

6 THE COURT: Okay. Any other medication?

7 DEFENDANT CAAMANO: No, Your Honor.

8 THE COURT: Okay. Mr. Martinez, are you now or
9 have you recently been under the care of a doctor or a
10 psychiatrist?

11 DEFENDANT CAAMANO: No, Your Honor.

12 THE COURT: Mr. Reyes, in the past 24 hours, have
13 you taken any medicine or pills?

14 DEFENDANT REYES: No, Your Honor.

15 THE COURT: Any narcotic drugs?

16 DEFENDANT REYES: No, Your Honor.

17 THE COURT: Drunk any alcoholic beverages?

18 DEFENDANT REYES: No, Your Honor.

19 THE COURT: Is your mind clear now?

20 DEFENDANT REYES: Yes, sir.

21 THE COURT: Do you understand why you're here and
22 what's happening here today?

23 DEFENDANT REYES: Sir, yes, sir.

24 THE COURT: All right. Mr. Caamano, in the past 24
25 hours have you taken any narcotic drugs or drunk any

1 alcoholic beverages?

2 DEFENDANT CAAMANO: No, Your Honor.

3 THE COURT: Have you ever been hospitalized or
4 treated for narcotic addiction?

5 DEFENDANT CAAMANO: No, Your Honor.

6 THE COURT: Is your mind clear?

7 DEFENDANT CAAMANO: Yes, Your Honor.

8 THE COURT: And do you understand why you're here
9 and what's happening here?

10 DEFENDANT CAAMANO: Yes, Your Honor.

11 THE COURT: Mr. Reyes, have you ever been
12 hospitalized or treated for narcotic addiction?

13 DEFENDANT REYES: Yes, Your Honor.

14 THE COURT: Okay. And how long ago was that?

15 DEFENDANT REYES: A lot of my memories -- a lot of
16 things I can't remember from 2017. I was in the hospital in
17 a coma, so a lot of things is just -- just question marks. I'm
18 trying to put things together now.

19 THE COURT: Okay. Anything since 2017? Any
20 treatment for drugs or alcohol?

21 DEFENDANT REYES: Oh, yes. I was -- I was doing
22 heroin before the -- before I was arrested.

23 THE COURT: Okay.

24 DEFENDANT REYES: I had a heroin addiction.

25 THE COURT: And how long ago were you arrested?

1 DEFENDANT REYES: I believe I've been incarcerated
2 about 14 -- 13, 14 months.

3 THE COURT: Okay.

4 MS. SASSO: I have the arrest for December of 2018.

5 THE COURT: December 2018. Okay. Since that time,
6 have you taken any narcotic drugs or --

7 DEFENDANT REYES: No.

8 THE COURT: And any treatment for alcoholism or
9 drug addiction?

10 DEFENDANT REYES: In MCC I was drinking methadone
11 for about a week.

12 (Court and clerk confer.)

13 THE COURT: I have to take a brief break. I'll be
14 back in just a couple of minutes.

15 (Recess is taken from 11:51 a.m. to 12:00 p.m.)

16 THE CLERK: We're going back on the record. This
17 is Criminal Cause for Pleading, 19-CR-2.

18 (Pause)

19 THE COURT: Mr. Reyes, have you ever been
20 hospitalized or treated for a mental or emotional problem?

21 DEFENDANT REYES: Oh, no.

22 THE COURT: Have you seen a psychiatrist or been in
23 a psychiatric hospital, for example?

24 DEFENDANT REYES: No.

25 THE COURT: Okay. Mr. Caamano, just to

1 recapitulate. You haven't -- have you taken any narcotic
2 drugs, medicine, pills, or alcoholic beverages in the past 24
3 hours?

4 DEFENDANT CAAMANO: Yeah. Just the --

5 THE COURT: Other than that one sleeping pill.

6 DEFENDANT CAAMANO: Oh, no. That's it. No, Your
7 Honor.

8 THE COURT: Okay. Thanks. And, Mr. Martinez, same
9 question.

10 DEFENDANT MARTINEZ: No, Your Honor.

11 THE COURT: Have you ever been hospitalized or
12 treated for a mental or emotional problem?

13 DEFENDANT MARTINEZ: No, Your Honor.

14 THE COURT: And just to -- the same question to all
15 three of you. Do you understand why you're here and what's
16 happening here at this time?

17 DEFENDANT REYES: Yes, Your Honor.

18 DEFENDANT CAAMANO: Yes, Your Honor.

19 DEFENDANT MARTINEZ: Yes, Your Honor.

20 THE COURT: Okay.

21 MS. SASSO: Your Honor, if we could just go back
22 with Mr. Martinez. I think there were still the questions
23 about psychiatric treatment, clear mind, drugs and alcohol.

24 THE COURT: Oh, okay. Thank you.

25 MS. SASSO: Thank you.

1 THE COURT: Mr. Martinez, have you ever been
2 hospitalized or treated for narcotic addiction, alcoholism,
3 or a mental or emotional problem?

4 DEFENDANT MARTINEZ: No, Your Honor.

5 THE COURT: And in the past 24 hours -- I'll ask
6 this question again -- have you taken any narcotic drugs,
7 medicine, pills, or alcoholic beverages?

8 DEFENDANT MARTINEZ: No, Your Honor.

9 THE COURT: Okay. And again is your mind clear
10 now?

11 DEFENDANT MARTINEZ: Yes, Your Honor.

12 THE COURT: You understand what's happening here
13 today?

14 DEFENDANT MARTINEZ: Yes, Your Honor.

15 THE COURT: Thank you. All right. Question for
16 the lawyers.

17 Have you discussed this matter fully with your
18 client? Mr. DiChiara?

19 MR. DiCHIARA: On behalf of Mr. Reyes, yes, Your
20 Honor.

21 MR. VILLANUEVA: On behalf of Mr. Caamano, yes,
22 Your Honor.

23 MR. LAZZARO: On behalf of Mr. Martinez, yes, Your
24 Honor.

25 THE COURT: Does your client understand the rights

1 he would be waiving by pleading guilty?

2 MR. DiCHIARA: Reyes does, Your Honor.

3 MR. VILLANUEVA: And so does Mr. Caamano.

4 MR. LAZZARO: Mr. Martinez does.

5 THE COURT: Is he capable of understanding the
6 nature of these proceedings?

7 MR. DiCHIARA: Yes, for Reyes.

8 MR. VILLANUEVA: Yes, for Mr. Caamano.

9 MR. LAZZARO: Yes, for Mr. Martinez.

10 THE COURT: Do you have any doubt as to his
11 competence to plead at this time?

12 MR. DiCHIARA: No, on behalf of Reyes.

13 MR. VILLANUEVA: No doubt on behalf of Mr. Caamano.

14 MR. LAZZARO: No, on behalf of Mr. Martinez.

15 THE COURT: Have you advised him of the possible
16 maximum/minimum sentence, fine, and other penalties that can
17 be imposed, and discussed with him the effect of the
18 sentencing guidelines?

19 MR. DiCHIARA: Reyes, yes.

20 MR. VILLANUEVA: Mr. Caamano, yes, Your Honor.

21 MR. LAZZARO: Mr. Martinez, yes.

22 THE COURT: Have you advised him that there's no
23 guarantee at this time what his guideline range will be or
24 what his sentence will be?

25 MR. DiCHIARA: Reyes, yes.

1 MR. VILLANUEVA: Yes, for Mr. Caamano.

2 MR. LAZZARO: Yes, for Mr. Martinez.

3 THE COURT: Have you advised him that if he is not
4 a citizen of the United States, a guilty plea could result in
5 deportation?

6 MR. DiCHIARA: Yes, but he is a citizen. Reyes.

7 MR. VILLANUEVA: Yes, on behalf of Mr. Caamano.

8 MR. LAZZARO: Yes, on behalf of Mr. Martinez.

9 THE COURT: Okay. Now going back to each of the
10 defendants.

11 Mr. Reyes, have you discussed your case fully with
12 your lawyer?

13 DEFENDANT REYES: Yes, Your Honor.

14 THE COURT: And are you satisfied to have him
15 represent you?

16 DEFENDANT REYES: Yes, Your Honor.

17 THE COURT: Mr. Caamano, have you discussed your
18 case fully with your lawyer?

19 DEFENDANT CAAMANO: Yes, Your Honor.

20 THE COURT: Are you satisfied to have him represent
21 you?

22 DEFENDANT CAAMANO: Yes, Your Honor.

23 THE COURT: Mr. Martinez, have you discussed your
24 case fully with your lawyer?

25 DEFENDANT MARTINEZ: Yes, Your Honor.

1 THE COURT: And are you satisfied to have him
2 represent you?

3 DEFENDANT MARTINEZ: Yes, Your Honor.

4 THE COURT: Mr. Reyes, have you received a copy of
5 the indictment?

6 DEFENDANT REYES: Yes, Your Honor.

7 THE COURT: Have you read it?

8 DEFENDANT REYES: Yes, Your Honor.

9 THE COURT: Have you discussed it with your lawyer?

10 DEFENDANT REYES: Yes, Your Honor.

11 THE COURT: Are you -- do you understand the
12 charges against you?

13 DEFENDANT REYES: Yes, Your Honor.

14 THE COURT: Mr. Caamano, have you received a copy
15 of the indictment?

16 DEFENDANT CAAMANO: Yes, Your Honor.

17 THE COURT: Have you read it?

18 DEFENDANT CAAMANO: Yes, Your Honor.

19 THE COURT: Have you discussed it with your lawyer?

20 DEFENDANT CAAMANO: Yes, Your Honor.

21 THE COURT: And are you satisfied that you
22 understand it?

23 DEFENDANT CAAMANO: Yes, Your Honor.

24 THE COURT: Mr. Martinez, have you received a copy
25 of the indictment?

1 DEFENDANT MARTINEZ: Yes, Your Honor.

2 THE COURT: Have you read it?

3 DEFENDANT MARTINEZ: Yes, Your Honor.

4 THE COURT: Have you discussed it with your lawyer?

5 DEFENDANT MARTINEZ: Yes, Your Honor.

6 THE COURT: And do you understand the charges
7 against you?

8 DEFENDANT MARTINEZ: Yes, Your Honor.

9 THE COURT: I'm going to ask the government briefly
10 to explain the charges against these defendants.

11 MS. SASSO: Yes, Your Honor. There are various
12 charges in the indictment, but the specific charge to which
13 each of the defendants is pleading guilty today is a
14 conspiracy to possess with intent to distribute heroin.

15 In other words, an agreement that the defendants
16 would obtain heroin for the purpose of distributing it
17 further on the streets. And they're specifically pleading
18 guilty to a lesser included offense.

19 The charge in the indictment contemplates one
20 kilogram of heroin, and the charge to which they're pleading
21 today contemplates that they agreed on at least 100 grams of
22 heroin to distribute.

23 THE COURT: Mr. Reyes, any questions about what the
24 government just said?

25 DEFENDANT REYES: No, sir. I understand.

1 THE COURT: Mr. Caamano?

2 DEFENDANT CAAMANO: No. No, Your Honor. No.

3 THE COURT: And, Mr. Martinez?

4 DEFENDANT MARTINEZ: No, Your Honor.

5 THE COURT: And as the government said, the charge
6 that is in Count 1 and that you're pleading guilty to, is a
7 lesser included charge.

8 But it is a conspiracy charge, and a conspiracy is
9 an agreement between two or more people to do something
10 that's illegal, and the illegal act that you're alleged to
11 have conspired to commit is distributing and possessing with
12 intent to distribute the heroin.

13 Do you understand that, Mr. Reyes?

14 DEFENDANT REYES: Yes, Your Honor.

15 THE COURT: Do you understand that, Mr. Caamano?

16 DEFENDANT CAAMANO: Yes, Your Honor.

17 THE COURT: And, Mr. Martinez, do you understand
18 that?

19 DEFENDANT MARTINEZ: Yes, Your Honor.

20 MS. SASSO: And, Your Honor, if I may? As to Mr.
21 Martinez, he is also pleading guilty to Count 3 of the
22 indictment, which charges him with possessing a firearm in
23 furtherance of Count 1. So essentially, possessing a firearm
24 in aid of the drug trafficking.

25 THE COURT: Okay. Mr. Martinez, do you understand

1 that charge?

2 DEFENDANT MARTINEZ: Yes, Your Honor.

3 THE COURT: Okay. Anything else with respect to
4 the indictment from the government?

5 MS. SASSO: No. Thank you, Judge.

6 THE COURT: Any questions or statements from the
7 defense?

8 MR. DiCHIARA: No, Your Honor. Mr. Reyes.

9 MR. VILLANUEVA: No, Your Honor, for Mr. Caamano.

10 MR. LAZZARO: No, Your Honor, with respect to Mr.
11 Martinez.

12 THE COURT: Okay. All right. So the next phase of
13 this proceeding is to make sure you understand your rights.
14 You have a number of rights, both under the laws, federal
15 statutes, and the federal constitution. They're rights that
16 you will give up if you plead guilty; many of them.

17 So do you each understand that you have a right to
18 plead not guilty?

19 Mr. Reyes?

20 DEFENDANT REYES: Yes, Your Honor.

21 THE COURT: Mr. Caamano?

22 DEFENDANT CAAMANO: Yes, Your Honor.

23 THE COURT: Mr. Martinez?

24 DEFENDANT MARTINEZ: Yes, Your Honor.

25 THE COURT: And do you understand that if you

1 continue to plead not guilty, it is your right under the
2 constitution and laws of the United States, to a speedy
3 public trial by jury, with the help of your lawyer, on the
4 charges contained in the indictment that was just explained
5 to you?

6 Do you understand that, Mr. Reyes?

7 DEFENDANT REYES: Yes, Your Honor.

8 THE COURT: Mr. Caamano?

9 DEFENDANT CAAMANO: Yes, Your Honor.

10 THE COURT: Mr. Martinez?

11 DEFENDANT MARTINEZ: Yes, Your Honor.

12 THE COURT: And if you cannot afford to retain an
13 attorney, do you understand that the Court will appoint a
14 lawyer to advise and represent you at all stages in this
15 case, all the way through trial and on appeal of any
16 conviction if you're convicted? And this would all be at no
17 cost to you.

18 So do you understand that, Mr. Reyes?

19 DEFENDANT REYES: Yes, Your Honor.

20 THE COURT: Mr. Caamano?

21 DEFENDANT CAAMANO: Yes, Your Honor.

22 THE COURT: Mr. Martinez?

23 DEFENDANT MARTINEZ: Yes, Your Honor.

24 THE COURT: If you go to trial, you would be
25 presumed to be innocent. The government would have to

1 overcome that presumption and prove that you're guilty by
2 competent evidence that's admissible at court, and by proof
3 beyond a reasonable doubt. You would not have to prove your
4 innocence or present any evidence.

5 Do you understand that, Mr. Reyes?

6 DEFENDANT REYES: Yes, Your Honor.

7 THE COURT: Mr. Caamano?

8 DEFENDANT CAAMANO: Yes, Your Honor.

9 THE COURT: Mr. Martinez?

10 DEFENDANT MARTINEZ: Yes, Your Honor.

11 THE COURT: Even if you did everything the
12 government has accused you of, if the government cannot
13 convince a jury beyond -- that you are guilty beyond a
14 reasonable doubt, the jury would find -- would have a duty to
15 find you not guilty.

16 Do you understand?

17 DEFENDANT REYES: Yes, Your Honor.

18 THE COURT: Mr. Reyes. Mr. Caamano?

19 DEFENDANT CAAMANO: Yes, Your Honor.

20 THE COURT: Mr. Martinez?

21 DEFENDANT MARTINEZ: Yes, Your Honor.

22 THE COURT: Does anyone have any questions so far?
23 Mr. Reyes?

24 DEFENDANT REYES: No.

25 THE COURT: Mr. Caamano?

1 DEFENDANT CAAMANO: No, Your Honor.

2 THE COURT: And, Mr. Martinez?

3 DEFENDANT MARTINEZ: No, Your Honor.

4 THE COURT: Okay. If you go to trial, during the
5 trial the government would have to bring its witnesses to
6 court, they would testify in your presence, your lawyer would
7 have the right to cross-examination the government's
8 witnesses, to object to the government's evidence, to present
9 evidence in your defense and to compel witnesses who you wish
10 to call to appear at trial.

11 Do you understand that, Mr. Reyes?

12 DEFENDANT REYES: Yes, Your Honor.

13 THE COURT: Mr. Caamano?

14 DEFENDANT CAAMANO: Yes, Your Honor.

15 THE COURT: Mr. Martinez?

16 DEFENDANT MARTINEZ: Yes, Your Honor.

17 THE COURT: And if you decide to go to trial, you
18 would have a choice. You have a right to testify in your
19 defense, but you also have a right to remain silent and not
20 to incriminate yourself. That's a right that's protected
21 under the Fifth Amendment.

22 Do you understand that, Mr. Reyes?

23 DEFENDANT REYES: Yes, Your Honor.

24 THE COURT: Mr. Caamano?

25 DEFENDANT CAAMANO: Yes, Your Honor.

1 THE COURT: Mr. Martinez?

2 DEFENDANT MARTINEZ: Yes, Your Honor.

3 THE COURT: So if you decide to go to trial, but
4 not to testify, Judge Korman, who is the judge who would be
5 the trial judge, would instruct the jurors that they could
6 not hold that against you and assume that you're guilty just
7 because you didn't testify in your own defense.

8 Do you understand that --

9 DEFENDANT REYES: Yes, Your Honor.

10 THE COURT: -- Mr. Reyes?

11 THE COURT: Mr. Caamano?

12 DEFENDANT CAAMANO: Yes, Your Honor.

13 THE COURT: Mr. Martinez?

14 DEFENDANT MARTINEZ: Yes, Your Honor.

15 THE COURT: Okay. However, if you do plead guilty
16 here today and if the Court accepts your guilty plea, you'll
17 be giving up your constitutional rights to a trial and the
18 other rights that I've just discussed. There will be no
19 trial of any kind, no right to appeal from the judgment of
20 guilty. The Court will simply enter a judgment that you're
21 guilty based on what you say here today.

22 Do you understand that, Mr. Reyes?

23 DEFENDANT REYES: Yes, Your Honor.

24 THE COURT: Mr. Caamano?

25 DEFENDANT CAAMANO: Yes, Your Honor.

1 THE COURT: And, Mr. Martinez?

2 DEFENDANT MARTINEZ: Yes, Your Honor.

3 THE COURT: Also, if you plead guilty, I'm going to
4 have to ask you some questions to make sure that you really
5 are guilty of the charge that you're pleading guilty to, or
6 in Mr. Martinez's case, the charges one and three -- Counts 1
7 and 3.

8 And you'll have to answer me and admit your guilt,
9 and when you do that, you'll be giving up your right to
10 remain silent and not to incriminate yourself.

11 Do you understand that, Mr. Reyes?

12 DEFENDANT REYES: Yes, Your Honor.

13 THE COURT: Mr. Caamano?

14 DEFENDANT CAAMANO: Yes, Your Honor.

15 THE COURT: And, Mr. Martinez?

16 DEFENDANT MARTINEZ: Yes, Your Honor.

17 THE COURT: Okay. So, Mr. Reyes, are you willing
18 to give up your right to a trial and the other rights that
19 I've just discussed?

20 DEFENDANT REYES: Yes, Your Honor.

21 THE COURT: Mr. Caamano, are you willing to give up
22 your right to a trial and the other rights I've just
23 discussed?

24 DEFENDANT CAAMANO: Yes, Your Honor.

25 THE COURT: And, Mr. Martinez, are you willing to

1 give up your right to a trial --

2 DEFENDANT MARTINEZ: Yes, Your Honor.

3 THE COURT: -- and the other rights I just
4 discussed?

5 DEFENDANT MARTINEZ: Yes, Your Honor.

6 THE COURT: Thank you. All right. So I
7 understand there's an agreement for each of the defendants.
8 Is that correct?

9 MS. SASSO: That's correct, Your Honor. I believe
10 you have signed copies for each of the three.

11 THE COURT: Okay. So I'm looking at Mr. Reyes's
12 agreement. Mr. DiChiara, is this the only agreement
13 currently between the government and the defense?

14 MR. DiCHIARA: Yes, Your Honor.

15 THE COURT: And, Mr. Reyes, did you sign the plea
16 agreement?

17 DEFENDANT REYES: Yes. Yes, Your Honor.

18 THE COURT: Okay. And does the government agree
19 this is the only agreement with -- between the government and
20 the defense?

21 MS. SASSO: Yes, Your Honor, for each of the
22 defendants.

23 THE COURT: Each of the defendants. Good.

24 So, Mr. Villanueva, is this the only agreement
25 between Mr. Caamano and the government at this time?

1 MR. VILLANUEVA: Yes, it is, Your Honor.

2 THE COURT: Okay. And, Mr. Lazzaro?

3 MR. LAZZARO: Yes, Your Honor.

4 THE COURT: For Mr. Martinez, is this the only
5 agreement between the government and Mr. Martinez?

6 MR. LAZZARO: Yes, Your Honor.

7 THE COURT: So has each one of you read the plea
8 agreement? Mr. Reyes, have you read the plea agreement in
9 your case?

10 DEFENDANT REYES: Yes, Your Honor.

11 THE COURT: And have you discussed it with your
12 lawyer?

13 DEFENDANT REYES: Yes, Your Honor.

14 THE COURT: Do you understand it?

15 DEFENDANT REYES: Yes, I understand, sir.

16 THE COURT: Do you have any questions about
17 anything in the agreement that you'd like to either ask him
18 or me about at this point?

19 DEFENDANT REYES: No. I'm understanding.

20 THE COURT: Okay. Mr. Caamano, same questions.
21 Have you read the plea agreement?

22 DEFENDANT CAAMANO: Yes, Your Honor.

23 THE COURT: Have you discussed it with your lawyer?

24 DEFENDANT CAAMANO: Yes, Your Honor.

25 THE COURT: Do you understand it now?

1 DEFENDANT CAAMANO: Yes, Your Honor.

2 THE COURT: Is there anything in that agreement
3 that you don't understand or that you'd like to ask your
4 lawyer or me about at this time?

5 DEFENDANT CAAMANO: No, Your Honor.

6 THE COURT: Okay. And, Mr. Martinez, same
7 questions. Have you read the plea agreement?

8 DEFENDANT MARTINEZ: Yes, Your Honor.

9 THE COURT: And do you understand your plea
10 agreement?

11 DEFENDANT MARTINEZ: Yes, Your Honor.

12 THE COURT: Have you discussed it with your lawyer?

13 DEFENDANT MARTINEZ: Yes, Your Honor.

14 THE COURT: Do you have any questions for me or for
15 your lawyer about your plea agreement?

16 DEFENDANT MARTINEZ: No, Your Honor.

17 THE COURT: Okay. All right. So I'm looking at
18 each of your plea agreements. Paragraph one says that each
19 of you will -- well, Mr. Reyes and Mr. Caamano and Mr.
20 Martinez, each of your agreements says that you will plead
21 guilty to a lesser included offense of Count 1, charging a
22 violation of 21 US Code 846. If you do that, you're facing a
23 minimum term of imprisonment of five years and a maximum term
24 of imprisonment of 40 years.

25 Do you understand that, Mr. Reyes?

1 DEFENDANT REYES: Yes, Your -- yes, Your Honor.

2 THE COURT: Mr. Caamano, do you understand that?

3 DEFENDANT CAAMANO: Yes, Your Honor.

4 THE COURT: Mr. Martinez, do you understand that?

5 DEFENDANT MARTINEZ: Yes, Your Honor.

6 THE COURT: And this is for Count 1.

7 There is a minimum period of supervised release of
8 four years after you're released from prison and a maximum
9 supervised release term of life to follow any term of
10 imprisonment.

11 Do you understand that, Mr. Reyes?

12 DEFENDANT REYES: Yes, Your Honor.

13 THE COURT: Mr. Caamano, do you understand that?

14 DEFENDANT CAAMANO: Yes, Your Honor.

15 THE COURT: And, Mr. Martinez, do you understand
16 that?

17 DEFENDANT MARTINEZ: Yes, Your Honor.

18 THE COURT: And do you understand that supervised
19 release means you'd be released on conditions, and if you
20 violated any of those conditions, there's a separate penalty
21 for a violation of the conditions of supervised release
22 that's separate from the time you would get -- whatever
23 sentence you get on the underlying charge.

24 Do you understand that, Mr. Reyes?

25 DEFENDANT REYES: Yes, Your Honor.

1 THE COURT: Mr. Caamano, do you understand that?

2 DEFENDANT CAAMANO: Yes, Your Honor.

3 THE COURT: Mr. Martinez, do you understand?

4 DEFENDANT MARTINEZ: Yes, Your Honor.

5 THE COURT: And so, if a condition of release is
6 violated, you may be sentenced up to three years in prison
7 without credit for the time you'd been in prison previously
8 on this case, or the time you'd served on supervised release
9 after release from prison.

10 Do you understand that, Mr. Reyes?

11 DEFENDANT REYES: Yes, Your Honor.

12 THE COURT: Mr. Caamano, do you understand that?

13 DEFENDANT CAAMANO: Yes, Your Honor.

14 THE COURT: Mr. Martinez, do you understand?

15 DEFENDANT MARTINEZ: Yes, Your Honor.

16 THE COURT: There is a maximum fine under Count 1
17 of \$5 million. Do you each understand that, Mr. Reyes?

18 DEFENDANT REYES: Yes, Your Honor.

19 THE COURT: Mr. Caamano?

20 DEFENDANT CAAMANO: Yes, Your Honor.

21 THE COURT: Mr. Martinez?

22 DEFENDANT MARTINEZ: Yes, Your Honor.

23 THE COURT: Each one of you would have to pay a
24 \$100 special assessment at or around the time of sentencing.

25 Do you understand that, Mr. Reyes?

1 DEFENDANT REYES: Yes, Your Honor.

2 THE COURT: Mr. Caamano, do you understand?

3 DEFENDANT CAAMANO: Yes, Your Honor.

4 THE COURT: Mr. Martinez, do you understand?

5 DEFENDANT MARTINEZ: Yes, Your Honor.

6 THE COURT: There finally is a provision for
7 criminal forfeiture as explained in paragraphs 6 through 11.
8 Have -- do you understand that, Mr. Reyes?

9 DEFENDANT REYES: Yes, Your Honor.

10 THE COURT: Mr. Caamano, do you understand?

11 DEFENDANT CAAMANO: Yes, Your Honor.

12 THE COURT: Mr. Martinez, do you understand that?

13 DEFENDANT MARTINEZ: Yes, Your Honor.

14 THE COURT: Ms. Sasso, counsel, does anyone think
15 that we should go through paragraphs 6 through 11, or do you
16 think they're sufficiently understood at this point?

17 MS. SASSO: I do think that it's pretty detailed,
18 Your Honor. I can give a high level overview, which
19 essentially is to say that this lists a number of assets that
20 were seized at the time of the arrest, and it is -- the
21 defendants are each agreeing that they will forfeit their
22 interest in those assets that have been seized, in addition
23 to a money judgment order.

24 THE COURT: Okay. Mr. Reyes, do you understand
25 that?

1 DEFENDANT REYES: Yes, Your Honor.

2 THE COURT: Mr. Caamano, do you understand that?

3 DEFENDANT CAAMANO: Yes, Your Honor.

4 THE COURT: Mr. Martinez, do you understand that?

5 DEFENDANT MARTINEZ: Yes, Your Honor.

6 THE COURT: Okay. All right. Paragraph 2 -- well,
7 before we get to paragraph 2, let's go to the sentencing
8 possibilities for Mr. Martinez under Count 3.

9 Count 3, under Count 3, the firearm count. You're
10 facing a minimum term of imprisonment of five years in prison
11 and a maximum term of imprisonment to life.

12 Do you understand that?

13 DEFENDANT REYES: Yes, Your Honor.

14 THE COURT: And the supervised release term for
15 this count, Count 3, is a five-year maximum period of
16 supervised release.

17 Do you understand that?

18 DEFENDANT REYES: Yes, Your Honor.

19 THE COURT: And the penalty for a violation of
20 supervised release would be that you may be sentenced to up
21 to five years in prison without credit for your previous
22 imprisonment or the time previously served on post-release
23 supervision.

24 Do you understand that?

25 DEFENDANT REYES: Yes, Your Honor.

1 THE COURT: The maximum fine on this count is
2 \$250,000. Do you understand?

3 DEFENDANT REYES: Yes, Your Honor.

4 THE COURT: And there is a \$100 special assessment
5 that's in addition to the special assessment on Count 1. Do
6 you understand that?

7 DEFENDANT REYES: Yes, Your Honor.

8 THE COURT: And there's also a criminal forfeiture
9 as explained previously.

10 Do you understand that?

11 DEFENDANT REYES: Yes, Your Honor.

12 THE COURT: Okay. Does anyone have any questions
13 about anything that's been said so far?

14 Mr. Reyes?

15 DEFENDANT REYES: No, Your Honor.

16 THE COURT: Mr. Caamano?

17 DEFENDANT CAAMANO: No, Your Honor.

18 THE COURT: Mr. Martinez?

19 DEFENDANT MARTINEZ: No, Your Honor.

20 THE COURT: All right. So for Mr. Martinez, the
21 sentences on Count 1 and Count 3 must run consecutively.

22 Do you understand what that means?

23 DEFENDANT MARTINEZ: Yeah. Yes, Your Honor.

24 THE COURT: All right. You've discussed that with
25 your lawyer?

1 DEFENDANT MARTINEZ: Yes, Your Honor.

2 THE COURT: So you would be serving your sentence
3 on Count 1, and once you've completed that, then you would
4 begin to serve your sentence on Count 2 -- on Count 3, and
5 you wouldn't -- you would not serve them simultaneously.
6 They would be served consecutively.

7 Do you understand?

8 DEFENDANT MARTINEZ: Yes, Your Honor.

9 THE COURT: Okay. Paragraph 2 in each of your
10 agreements discusses sentencing. It discusses the sentencing
11 guidelines. Now I understand you all have discussed the
12 guidelines with your lawyers.

13 Is that correct?

14 DEFENDANT REYES: Yes, Your Honor.

15 THE COURT: Mr. Caamano?

16 DEFENDANT CAAMANO: Yes, Your Honor.

17 THE COURT: Mr. Martinez?

18 DEFENDANT MARTINEZ: Yes, Your Honor.

19 THE COURT: All right. So do you understand that
20 the guidelines are not binding? They're rules or guides that
21 help Judge Korman decide how to sentence you. He will
22 calculate your guideline range and then decide whether it's
23 fair to sentence you within the guidelines, above the
24 guidelines, or below the guidelines. And at this time, no
25 one knows for sure, not even Judge Korman, what your

1 guideline range will be.

2 Do you understand that, Mr. Reyes?

3 DEFENDANT REYES: Yes, Your Honor.

4 THE COURT: Mr. Caamano, do you understand that?

5 DEFENDANT CAAMANO: Yes, Your Honor.

6 THE COURT: Mr. Martinez, do you understand?

7 DEFENDANT MARTINEZ: Yes, Your Honor.

8 THE COURT: There are other factors in addition to
9 the guidelines, which the Court should consider or shall
10 consider in determining the sentence that each one of you
11 would reach in this case, or receive.

12 They include the guidelines, but in addition, the
13 nature and circumstances of the offense, your history and
14 characteristics individually as a defendant, the need for the
15 sentence imposed to reflect the seriousness of the offense,
16 to promote respect for the law, and to provide just
17 punishment for the offense -- I'm reading from Section 18, US
18 Code 3553.

19 The need for the sentence to afford adequate
20 deterrence to criminal conduct and to protect the public from
21 further crimes that you might commit, as well as to provide
22 each of you with needed educational or vocational training,
23 medical care, or other correctional treatment in the most
24 effective manner. So the guidelines are just one part of the
25 sentence.

1 Yes?

2 MR. DiCHIARA: Judge, in paragraph 2 --

3 THE COURT: Yeah.

4 MR. DiCHIARA: -- on page 3 the date that I had in
5 my old copy was February 19th. That should have been -- that
6 should be today's date, March 9th. Is that --

7 THE COURT: Yeah. We'll go through that in just
8 one second. Let me see.

9 MR. DiCHIARA: I don't know if it would be -- it's
10 been --

11 MS. SASSO: It has been modified in his copy.

12 THE COURT: My copy says March 9th.

13 MR. DiCHIARA: -- it's been revised. Okay.

14 THE COURT: My copy says March 9th.

15 MR. DiCHIARA: That -- I don't have that in front
16 of me.

17 THE COURT: Oh, do you want to see it?

18 MR. DiCHIARA: No, I believe you.

19 THE COURT: Yeah. Okay. So we've gone through the
20 other factors, but going back to the guidelines, as I said,
21 there's no guarantee what the guideline range will be for
22 each of you, but there are estimates. Anything that either
23 the government or your lawyer has said about the guidelines
24 would be their best judgment. But it's, again, only an
25 estimate as to what the guideline range will ultimately be.

1 That's up to Judge Korman.

2 And again, any estimates you've received about your
3 sentence would just be estimates. They can't be promises or
4 guarantees at this point.

5 Do you all understand that? Mr. Reyes?

6 DEFENDANT REYES: Yes, Your Honor.

7 THE COURT: Mr. Caamano?

8 DEFENDANT CAAMANO: Yes, Your Honor.

9 THE COURT: Mr. Martinez?

10 DEFENDANT MARTINEZ: Yes, Your Honor.

11 THE COURT: All right. So given that this is just
12 an estimate, does the government have an estimate as to the
13 likely adjusted offense level under the guidelines?

14 MS. SASSO: Would you like me to do each defendant
15 in turn?

16 THE COURT: Yes, please.

17 MS. SASSO: So for --

18 THE COURT: For Mr. Reyes.

19 MS. SASSO: -- Mr. Reyes, the base offense level
20 that the government has calculated is a 34. There is an
21 agreement, which I imagine the Court will go over it at a
22 certain point, as to the global resolution in this case.

23 I think it's in -- towards the end of each of the
24 plea agreements, the terms of that global resolution must be
25 satisfied. Assuming that those are, there would be two

1 points taken off of the base offense level for each
2 defendant. And so, that would bring Mr. Reyes's base offense
3 level to a 32.

4 Based on the determination that the Defendant Reyes
5 is a career offender, that would put him in criminal history
6 category 6. And when accounting for that, as well as the
7 three acceptance of responsibility points, the adjusted
8 offense level would be a 29, which carries a range of
9 imprisonment of 151 to 188 months.

10 THE COURT: All right. Do you understand that, Mr.
11 Reyes?

12 DEFENDANT REYES: Yes, Your Honor, I do.

13 THE COURT: And do you want to go through the
14 global resolution? We might as well do that at this point.

15 MS. SASSO: Yes, Judge.

16 THE COURT: Does everyone have a copy of the
17 agreement that you can follow along with?

18 UNIDENTIFIED SPEAKER: Yes.

19 THE COURT: I see each defendant is nodding yes.
20 Okay.

21 MS. SASSO: So the global resolution is under the
22 sentencing guideline section 5(k) 2.0, and as specified in
23 paragraph 13 of Mr. Reyes's agreement, specifically, the
24 agreement is conditioned upon each of the five listed
25 defendants entering their guilty pleas on or before March

1 26th of 2020, and the acceptance of those pleas by the
2 district court judge in this case, Judge Korman.

3 The covered defendants included are Jeffrey
4 Caamano, Victor Cruz, Jason Garcia, Roberto Martinez, and
5 Jason Reyes.

6 Effectively, all five of the defendants must plead
7 guilty by the specified date and the judge must accept their
8 pleas for them to get the global resolution in this case.

9 If any of the defendants seek to withdraw their
10 plea or fail to otherwise meet the criteria that are set
11 forth here, the U.S. Attorney's office may void any or all of
12 the five defendants listed here in terms of their plea
13 agreements and may proceed to trial.

14 And if that's the case, then none of the defendants
15 will have their right to withdraw their guilty plea.

16 THE COURT: All right. Any questions about that
17 global resolution paragraph, Mr. Reyes?

18 DEFENDANT REYES: No, Your Honor.

19 THE COURT: Mr. Caamano?

20 DEFENDANT CAAMANO: No, Your Honor.

21 THE COURT: Mr. Martinez?

22 DEFENDANT MARTINEZ: No, Your Honor.

23 THE COURT: All right. With respect to Mr. Reyes,
24 is there anything else in the plea agreement that either
25 counsel would like to put on the record at this point?

1 MS. SASSO: I do believe -- well, I think we could
2 do this at the time of the allocution, potentially, but there
3 is a stipulation that the defendant agrees that the
4 guidelines calculation should be based on at least -- on the
5 weight of at least one kilogram of heroin and four grams of
6 fentanyl, and waives any right to a trial or Fatico hearing
7 on that particular issue.

8 MR. DiCHIARA: That is correct, Your Honor.

9 THE COURT: Do you understand that, Mr. Reyes?

10 DEFENDANT REYES: Yes, Your Honor.

11 THE COURT: Okay. And you also agree, in paragraph
12 4, that you will not appeal or otherwise challenge your
13 conviction or sentence if the Court imposes a term of
14 imprisonment at or below 210 months.

15 DEFENDANT REYES: Yeah. Yeah.

16 MR. DiCHIARA: Yes.

17 DEFENDANT REYES: Yes, Your Honor.

18 THE COURT: Do you understand that?

19 DEFENDANT REYES: Yes.

20 THE COURT: Okay. Now, going to Mr. Caamano.

21 What's the government's estimate of the guideline ranges for
22 Mr. Caamano?

23 MS. SASSO: Your Honor, the base offense level
24 that's been calculated for Mr. Caamano is a level 30. There
25 is a three point leadership enhancement under Section 3(b)

1 1.1(b) for the defendant's leadership role in managing the
2 conspiracy, and that's three additional points, then the
3 global resolution reduces the base offense level by two
4 points, which totals out at 31, accounting for the
5 defendant's additional three points off for an acceptance of
6 responsibility and calculating criminal history category 3
7 results in a base offense level that's adjusted of 28, which
8 carries a range of imprisonment of 97 to 121 months.

9 THE COURT: Okay. Mr. Caamano, any questions about
10 that?

11 DEFENDANT CAAMANO: No, Your Honor.

12 THE COURT: And you've discussed that with your
13 lawyer, correct?

14 DEFENDANT CAAMANO: Yes, Your Honor.

15 THE COURT: And paragraph 2 says that you stipulate
16 and admit that in or about December 2018, within the Southern
17 District of New York and elsewhere, together with others, you
18 did knowingly and intentionally possess with intent to
19 distribute a substance containing heroin and a substance
20 containing cocaine in violation of 21 US Code 841(a)(1) and
21 (b)(1)(c).

22 And pursuant to US Sentencing Guideline
23 1(b)(1)(2)(c), you stipulate that at the time of sentencing
24 the conduct described in this paragraph shall be treated as
25 if you had been convicted of an additional count charging

1 that offense. Do you understand that?

2 DEFENDANT CAAMANO: Yes, Your Honor.

3 THE COURT: I'm sorry?

4 DEFENDANT CAAMANO: Yes, Your Honor.

5 THE COURT: Okay. And you've discussed that with
6 your -- with your lawyer?

7 DEFENDANT CAAMANO: Yes, Your Honor.

8 THE COURT: Okay. And in paragraph 3, on page 3,
9 the bottom of the page, stipulate to the guideline
10 calculation that the government just mentioned.

11 And you also agree that this calculation should be
12 based on a drug type and weight of at least one kilogram of
13 heroin, four grams of fentanyl, and 225 grams of cocaine, and
14 you waive your right to a jury trial or a Fatico hearing on
15 that issue. Do you understand?

16 DEFENDANT CAAMANO: Yes, Your Honor.

17 THE COURT: And you've discussed that with your
18 lawyer?

19 DEFENDANT CAAMANO: Yes, Your Honor.

20 THE COURT: Okay. Is there anything else in -- or
21 in paragraph 5, you agree not to appeal or otherwise
22 challenge your conviction or sentence in the event the Court
23 imposes a term of imprisonment at or below 135 months. Do
24 you understand that?

25 DEFENDANT CAAMANO: Yes, Your Honor.

1 THE COURT: Is there anything else in the agreement
2 that the government or the defense would like to put on the
3 record with respect to Mr. Caamano?

4 MS. SASSO: Yes, Your Honor. The same stipulation
5 as to the global resolution is outlined in this agreement.

6 Additionally, while the government has agreed to
7 make no motion for an upward departure under the sentencing
8 guidelines, the government is permitted to take a position
9 concerning where within the guidelines range the sentence
10 should fall, and that would be based on a modified paragraph
11 6. And as to the global resolution, that's at paragraph 17.

12 THE COURT: Mr. Caamano, do you have any questions
13 about what the government just said?

14 DEFENDANT CAAMANO: No, Your Honor.

15 THE COURT: Have you discussed that with your
16 lawyer?

17 DEFENDANT CAAMANO: Yes, Your Honor.

18 THE COURT: Okay. Anything else with respect to
19 Mr. Caamano from the government?

20 MS. SASSO: No, Your Honor. Thank you.

21 THE COURT: From the defense?

22 MR. VILLANUEVA: No, Your Honor. Thank you.

23 THE COURT: All right. Now, with respect to Mr.
24 Martinez?

25 MS. SASSO: Yes, Your Honor. For Mr. Martinez, the

1 government has calculated the base offense level as a level
2 30. There is additionally a three point leadership
3 enhancement for his role in the conspiracy under Section 3(b)
4 1.1(b) of the sentence guidelines. There are also the two
5 point global reduction under 5(k) 2.0, which results in a
6 base offense level of 31.

7 The defendant has been also -- the agreement also
8 contemplates a three point reduction for acceptance of
9 responsibility and when contemplating this with a criminal
10 history category of 3, the effective range is 157 to 181
11 months and an adjusted offense level of 28.

12 The agreement outlines the specific math on it.
13 Essentially, because of the 60-month mandatory sentence on
14 Count 3, there must be a combination of the range of 97 to
15 121 months on the drug count, and then an added 60 months on
16 the gun count, which is how we get to the number, 157 to 181.

17 THE COURT: Okay. And the defendant stipulates to
18 the above guidelines calculation, correct?

19 MR. LAZZARO: Yes, Your Honor.

20 THE COURT: Mr. Martinez, do you understand what
21 the government just said?

22 DEFENDANT MARTINEZ: Yes, Your Honor.

23 THE COURT: Do you have any questions at all?

24 DEFENDANT MARTINEZ: No, Your Honor.

25 THE COURT: In paragraph 2, you also agree that the

1 calculation should be based on a drug type and weight of at
2 least one kilogram of heroin and four grams of fentanyl, and
3 you waive a right to a jury trial or Fatiko hearing on that
4 issue. Do you understand?

5 DEFENDANT MARTINEZ: Yes, Your Honor.

6 THE COURT: Paragraph 4, you agree not to appeal or
7 otherwise challenge your conviction or sentence if you
8 receive a term of imprisonment at or below 195 months. Do
9 you understand that?

10 DEFENDANT MARTINEZ: Yes, Your Honor.

11 THE COURT: Is there anything in this agreement
12 that you, Mr. Martinez, would like to ask your lawyer about
13 at this point, or discuss further?

14 DEFENDANT MARTINEZ: No, Your Honor.

15 THE COURT: Anything that either counsel would like
16 to put on the record that hasn't been placed on the record so
17 far?

18 MS. SASSO: Yes, Your Honor. Just for clarity, the
19 global resolution criteria is outlined in paragraph 13 of Mr.
20 Martinez's agreement.

21 We have gone over the substance of it, and
22 additionally there is a modified paragraph 5 which does
23 permit the government to take a position as to where the
24 defendant falls within the sentencing guidelines range,
25 and/or to make a motion for upward departure as to the

1 guidelines range.

2 THE COURT: Any questions about that, Mr. Martinez?

3 DEFENDANT MARTINEZ: No, Your Honor.

4 THE COURT: Okay. So I'm going to ask each one of
5 you whether you have read and signed these agreements.

6 Mr. Reyes, have you read and signed your agreement?

7 DEFENDANT REYES: Yes, Your Honor.

8 THE COURT: Mr. Caamano, have you read and signed
9 your agreement?

10 DEFENDANT CAAMANO: Yes, Your Honor.

11 THE COURT: Mr. Martinez, have you read and signed
12 your agreement?

13 DEFENDANT MARTINEZ: Yes, Your Honor.

14 THE COURT: And is your consent to this agreement
15 knowing and voluntary, Mr. Reyes?

16 DEFENDANT REYES: Yes, Your Honor.

17 THE COURT: Mr. Caamano?

18 DEFENDANT CAAMANO: Yes, Your Honor.

19 THE COURT: Mr. Martinez?

20 DEFENDANT MARTINEZ: Yes, Your Honor.

21 THE COURT: All right. Anything further with
22 respect to the agreements from any party?

23 MS. SASSO: Not from the government, thank you.

24 MR. DiCHIARA: No, Your Honor, on behalf of Mr.
25 Reyes.

1 MR. VILLANUEVA: No, Your Honor.

2 MR. LAZZARO: No, Your Honor.

3 THE COURT: Okay.

4 (Pause)

5 THE COURT: Do you each understand that parole has
6 been abolished in federal courts, so if you're sentenced to
7 prison, there's no early release on parole?

8 Mr. Reyes?

9 DEFENDANT REYES: Yes, Your Honor.

10 THE COURT: Mr. Caamano?

11 DEFENDANT CAAMANO: Yes, Your Honor.

12 THE COURT: Mr. Martinez?

13 DEFENDANT MARTINEZ: Yes, Your Honor.

14 THE COURT: All right. Does any one of you have
15 any questions you'd like to ask me about your case, your
16 rights to charge, anything that's happened in this case, or
17 ask your lawyer about them. In other words, any questions
18 you'd like to ask either me or your lawyer at this point?

19 Mr. Reyes?

20 DEFENDANT REYES: No, Your Honor.

21 THE COURT: Mr. Caamano?

22 DEFENDANT CAAMANO: No, Your Honor.

23 THE COURT: Mr. Martinez?

24 DEFENDANT MARTINEZ: No, Your Honor.

25 THE COURT: Are you each ready to plead? Mr.

1 Reyes?

2 DEFENDANT REYES: Yes, Your Honor.

3 THE COURT: Mr. Caamano?

4 DEFENDANT CAAMANO: Yes, Your Honor.

5 THE COURT: Mr. Martinez?

6 DEFENDANT MARTINEZ: Yes, Your Honor.

7 THE COURT: All right. So we'll take each plea
8 separately.

9 Mr. Reyes, are you pleading guilty voluntarily and
10 of your own free will?

11 DEFENDANT REYES: Yes, Your Honor.

12 THE COURT: Has anyone forced you or threatened you
13 to plead guilty?

14 DEFENDANT REYES: Not at all, sir.

15 THE COURT: Has anyone promised you anything other
16 than what's in the plea agreement that has induced you or
17 caused you to plead guilty?

18 DEFENDANT REYES: No, Your Honor.

19 THE COURT: Has anyone promised you what your
20 sentence will be?

21 DEFENDANT REYES: No, Your Honor.

22 THE COURT: All right. So can you tell me in your
23 own words what it is that makes you guilty of the lesser
24 included offense under Count 1?

25 DEFENDANT REYES: I was selling drugs, sir.

1 THE COURT: Okay. So --

2 DEFENDANT REYES: I can't say anything else. I was
3 doing drugs, taking drugs.

4 THE COURT: Okay. So the charge you're facing is a
5 conspiracy charge.

6 DEFENDANT REYES: Yes.

7 THE COURT: Did you agree with others to possess
8 drugs with the intent to distribute them?

9 DEFENDANT REYES: Yes.

10 THE COURT: And --

11 (Counsel confers with defendant.)

12 THE COURT: Let me just get the indictment here.
13 Did you agree to do this within the Eastern District of New
14 York?

15 DEFENDANT REYES: Yes, Brooklyn, sir. Your Honor.

16 THE COURT: In Brooklyn?

17 DEFENDANT REYES: Yes.

18 THE COURT: Okay. And what kind of drugs did you
19 agree to possess with intent to distribute?

20 DEFENDANT REYES: Heroin. Heroin, Your Honor.

21 THE COURT: Okay. And at least one kilogram?

22 DEFENDANT REYES: Yes, Your Honor.

23 THE COURT: Okay.

24 MR. DiCHIARA: Judge, the -- I explained to him,
25 it's what's foreseeable in the conspiracy. So one kilo is --

1 was foreseeable to him.

2 THE COURT: Okay.

3 (Counsel confers with defendant.)

4 DEFENDANT REYES: Yes, Your Honor.

5 THE COURT: Okay. Are there any questions the
6 government would like to ask, Mr. Reyes, to flush this out?

7 MS. SASSO: No, Your Honor. I think we would be
8 able to prove at trial that the sales of -- and trafficking
9 of heroin would have had an impact on interstate commerce and
10 we'd ask that the defendant agrees and stipulates to that.

11 THE COURT: Mr. Reyes, do you agree?

12 DEFENDANT REYES: Yes, Your Honor.

13 THE COURT: And I know there's been a stipulation,
14 but as to the nature and the quantity of the drugs, is the
15 government prepared to prove that through laboratory testing
16 or other means?

17 MS. SASSO: Yes, Your Honor.

18 THE COURT: Okay. And as part of the conspiracy is
19 -- is the government prepared to prove that the defendant is
20 -- was part of a conspiracy to commit the acts alleged in the
21 lesser included offense under Count 1?

22 MS. SASSO: Yes, Your Honor. We would establish at
23 trial as to each of the defendants that there were
24 communications over the period of December -- I'm sorry.
25 Between January 2015 and December of 2018, that the

1 defendants each agreed with each other and others that they
2 would obtain heroin in order to sell it, and that they did so
3 knowingly and with the intent or foreseeable understanding
4 that it would involve at least a kilogram of heroin.

5 THE COURT: Okay.

6 MS. SASSO: And also, I'm sorry, the government
7 would be able to prove through laboratory tests that much of
8 that heroin did also contain fentanyl.

9 THE COURT: Did you hear what the government said,
10 Mr. Reyes?

11 DEFENDANT REYES: Yes, Your Honor.

12 THE COURT: And do you agree that that is in fact
13 what you did?

14 DEFENDANT REYES: Yes, Your Honor.

15 THE COURT: And do you agree that the conspiracy
16 took place in or about in between January of 2015 and
17 December of 2018?

18 DEFENDANT REYES: Yes, Your Honor.

19 THE COURT: Okay. Is there anything further the
20 defense thinks should be placed on the record?

21 MR. DiCHIARA: No, Your Honor.

22 THE COURT: The government?

23 MS. SASSO: No, Your Honor.

24 THE COURT: So with respect to Mr. Reyes, I find
25 that you're acting voluntarily, you fully understand your

1 rights, the charges against you, the rights you're giving up
2 by pleading guilty, the consequences of a guilty plea,
3 including the possible sentence, fine, and other
4 consequences, that you understand that there's no guarantee
5 what your guideline range will be or what your sentence will
6 be at this point, and that there's a factual basis for the
7 plea that you did in fact commit the acts alleged in the
8 lesser included offense under Count 1.

9 I therefore recommend that Judge Korman accept your
10 plea of guilty to a lesser included offense under Count 1.

11 Okay. Mr. Caamano.

12 DEFENDANT CAAMANO: Yes, Your Honor.

13 THE COURT: You're also pleading guilty to a lesser
14 included offense under Count 1.

15 DEFENDANT CAAMANO: Yes, Your Honor.

16 THE COURT: And again, it's a conspiracy that's
17 alleged to have taken place in the Eastern District of New
18 York between January of 2015 and December of 2018. Can you
19 tell me what you did and why you're guilty?

20 DEFENDANT CAAMANO: Between January 2015 and
21 December 2018, while in the Bronx, New York, I agreed with
22 others to possess and distribute heroin. I knew one person
23 was operated in Brooklyn; at least 100 grams of heroin.

24 THE COURT: Okay. Is there anything that the
25 government would ask or seek to add at this point?

1 MS. SASSO: Again, we could prove that there was an
2 impact on interstate commerce and would ask if the defendant
3 agrees to stipulate to that fact.

4 THE COURT: Do you agree, Mr. Caamano?

5 DEFENDANT CAAMANO: Yes, Your Honor.

6 THE COURT: Okay. Anything further from the
7 government?

8 MS. SASSO: No, Your Honor.

9 THE COURT: From the defense?

10 MR. VILLANUEVA: No, Your Honor. Thank you.

11 THE COURT: All right. Mr. Caamano, I find that
12 you're acting voluntarily, you fully understand your rights,
13 the charges against you, the rights you're giving up by
14 pleading guilty, the consequences of a guilty plea, including
15 the possible sentence, fine, and other penalties.

16 You understand that there is no guarantee what your
17 sentence will be at this time, or even what your guideline
18 range will be, and I find that there's a factual basis to the
19 plea that you did in fact commit a lesser included offense
20 under Count 1, so I therefor recommend that Judge Korman
21 accept your plea of guilty to that lesser included offense.

22 DEFENDANT CAAMANO: Yes, Your Honor.

23 THE COURT: Finally, Mr. Martinez. Yours is a
24 little more complex. You're pleading guilty to the lesser
25 included offense under Count 1 and to Count 3. Can you --

1 can you tell me what it is that makes you guilty of those
2 charges?

3 MS. SASSO: Your Honor, I'm sorry, if I may? I
4 just realized as to Mr. Caamano and also next as to Mr.
5 Martinez, we forgot to go through the, whether this plea was
6 voluntary, absent force, no other promises.

7 THE COURT: Okay. Good. Thank you. All right.
8 Yes. Thank you.

9 Mr. Caamano, are you agreeing to plead guilty
10 voluntarily?

11 DEFENDANT CAAMANO: Yes, Your Honor.

12 THE COURT: Has anybody forced you or threatened
13 you to make you agree to plead guilty?

14 DEFENDANT CAAMANO: No, Your Honor.

15 THE COURT: Has anybody promised you anything other
16 than what's in the plea agreement to make you agree to plead
17 guilty?

18 DEFENDANT CAAMANO: No, Your Honor.

19 THE COURT: Has anybody promised you what your
20 sentence will be?

21 DEFENDANT CAAMANO: No, Your Honor.

22 THE COURT: All right. And I'll ask the same
23 questions to you, Mr. Martinez. Are you pleading guilty
24 voluntarily?

25 DEFENDANT MARTINEZ: Yes, Your Honor.

1 THE COURT: Has anybody forced you or threatened
2 you to make you agree to plead guilty?

3 DEFENDANT MARTINEZ: No, Your Honor.

4 THE COURT: Has anybody promised you anything
5 that's not in the plea agreement that made you agree to plead
6 guilty?

7 DEFENDANT MARTINEZ: No, Your Honor.

8 THE COURT: Has anybody promised you what your
9 sentence will be?

10 DEFENDANT MARTINEZ: No, Your Honor.

11 THE COURT: Okay. So, going back to Counts 1 and
12 Count 3, can you tell me what it is that you did that makes
13 you guilty of those counts?

14 DEFENDANT MARTINEZ: In or about between January
15 2015 and December 2018, I, Robert Martinez, along with my co-
16 defendants in the Eastern District of New York did knowingly
17 distribute heroin, which involved more than 100 grams in
18 weight.

19 In connection with my heroin operation in the
20 Eastern District of New York, I did knowingly and
21 intentionally possess a firearm in connection with my heroin
22 operation.

23 THE COURT: Is there anything the government would
24 add or ask?

25 MS. SASSO: We would be able to establish

1 interstate commerce was affected on both Counts 1 and Count 3
2 for Mr. Martinez, based on the trafficking of narcotics and
3 the manufacturing of the firearm that was recovered.

4 THE COURT: All right. And does Mr. Martinez
5 stipulate to that?

6 MR. LAZZARO: Yes, Your Honor.

7 THE COURT: Okay. Anything else from the
8 government on Mr. Martinez?

9 MS. SASSO: No, Your Honor.

10 THE COURT: From the defense?

11 MR. LAZZARO: No.

12 THE COURT: Mr. Martinez, I find that you as well
13 are acting voluntarily, that you fully understand your
14 rights, the charges against you, the rights you're giving up
15 by pleading guilty, all the consequences of a guilty plea,
16 including the sentence, fine, and other penalties, and you
17 understand that there's no guarantee what your sentence will
18 be at this point, and I find that you're -- that you did in
19 fact commit the crimes alleged in the lesser included offense
20 under Count 1, and the -- under Count 3.

21 So I therefore -- and the full count -- Count 3.
22 The lesser included is only as to Count 1. So I therefor
23 recommend that Judge Korman accept your plea of guilty to a
24 lesser included offense under Count 1 and to Count 3.

25 And I think we have a sentencing date?

1 THE CLERK: We do. I have March -- or, I'm sorry,
2 May 13th at 2:30 for all defendants.

3 THE COURT: All right. So before we adjourn, is
4 there anything that we haven't discussed that we should
5 discuss, or anything that's been missed or omitted?

6 MS. SASSO: Your Honor, I may have missed it, and
7 maybe Mr. Villanueva caught it, whether you did make the same
8 recommendation that the district judge accept Mr. Caamano's
9 plea. Did you catch --

10 THE COURT: I believe --

11 MS. SASSO: You do or do not?

12 MR. VILLANUEVA: I did not.

13 MS. SASSO: Okay. Yeah, I think --

14 THE COURT: Oh, okay.

15 MS. SASSO: Yes.

16 THE COURT: Thank you. All right. So I therefore
17 recommend, based on what's been said so far, that Judge
18 Korman accept Mr. Caamano's plea of guilty to Count -- the
19 lesser included offense under Count 1.

20 DEFENDANT CAAMANO: I understand.

21 MR. VILLANUEVA: Thank you.

22 THE COURT: Thank you.

23 THE COURT: All right. So do you all know that
24 there will be a presentence investigation report that will be
25 made, and that the Probation Department will be interviewing

1 you, and you'll have an opportunity to have your lawyer
2 present during that interview? That report goes a long way
3 towards determining what your sentence will be, so it's
4 important to take it seriously and to present whatever you
5 need to present.

6 MR. DiCHIARA: Thank you, Judge.

7 MR. VILLANUEVA: Thank you.

8 MR. LAZZARO: Thank you, Judge.

9 MS. SASSO: Thank you.

10 (Proceedings concluded at 12:46 p.m.)

11 I, CHRISTINE FIORE, court-approved transcriber
12 and certified electronic reporter and transcriber, certify
13 that the foregoing is a correct transcript from the official
14 electronic sound recording of the proceedings in the above-
15 entitled matter.

16

17 *Christine Fiore*

18

April 9, 2020

19 Christine Fiore, CERT

20 Transcriber

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